

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #5	CCRB Case #: 201900416	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/07/2019 12:15 AM	Location of Incident: East 182nd Street and Southern Boulevard	Precinct: 48	18 Mo. SOL 7/7/2020	EO SOL 2/21/2021	
Date/Time CV Reported Mon, 01/07/2019 12:15 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/15/2019 11:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Perez	23485	962681	048 PCT
2. POM Andrew Olive	22297	962647	048 PCT
3. POM David Ramirez	25053	962711	048 PCT
4. An officer			048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jose Sanchez	02509	924455	048 PCT
2. SGT Gelono Joshua	03365	930442	P C C U
3. POM Rafael Santos	04863	964754	048 PCT
4. POM Christophe Cotto	18705	961711	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Perez	Abuse: Police Officer Steven Perez questioned § 87(2)(b)	
B.POM Steven Perez	Force: Police Officer Steven Perez used physical force against § 87(2)(b)	
C.POM Andrew Olive	Force: Police Officer Andrew Olive used physical force against § 87(2)(b)	
D.POM Steven Perez	Abuse: Police Officer Steven Perez frisked § 87(2)(b)	
E.POM Andrew Olive	Abuse: Police Officer Andrew Olive frisked § 87(2)(b)	
F.POM Steven Perez	Abuse: Police Officer Steven Perez searched the vehicle in which § 87(2)(b) was an occupant.	
G.POM David Ramirez	Abuse: Police Officer David Ramirez searched the vehicle in which § 87(2)(b) was an occupant.	
H.POM David Ramirez	Abuse: Police Officer David Ramirez searched § 87(2)(b)'s recording device.	
I.POM David Ramirez	Off. Language: Police Officer David Ramirez made remarks to § 87(2)(b) based upon race.	
J.POM David Ramirez	Discourtesy: Police Officer David Ramirez spoke discourteously to § 87(2)(b)	
K.POM David Ramirez	Abuse: Police Officer David Ramirez took a photograph of § 87(2)(b)	
L. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon race.	

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On January 7, 2019, § 87(2)(b) called 911 to complain that he had been pulled over, but he left the line before being connected to IAB. § 87(2)(b)'s call generated original log number 2019-723. IAB was unable to reach § 87(2)(b) by phone, but Sergeant Gelono Joshua of the 48th Precinct called IAB shortly thereafter to report the incident. Also on January 7, 2019, Mamaudou Diallo, § 87(2)(b)'s brother, called IAB to complain both about § 87(2)(b)'s interaction with officers and about his own interaction with officers. § 87(2)(b)'s call generated original log number 2019-728. § 87(2)(b) did not witness the portion of § 87(2)(b)'s incident which fell under the CCRB's jurisdiction, and his own complaint similarly did not fall under the CCRB's jurisdiction. The CCRB received the complaint from IAB on January 15, 2019.

On June 4, 2019, this case was reassigned from Inv. Daniel Gavin to Inv. Andrew Ridge following Inv. Gavin's departure from the CCRB.

On January 7, 2019, at approximately 12:15 a.m., Police Officers Steven Perez and Andrew Olive, both of the 48th Precinct, stopped § 87(2)(b)'s vehicle at the intersection of East 182nd Street and Southern Boulevard in the Bronx. PO Perez asked § 87(2)(b) what type of pills were in a pill bottle inside § 87(2)(b)'s vehicle (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Perez and PO Olive pulled § 87(2)(b) out of his vehicle (**Allegation B-C: Force**, § 87(2)(g)). PO Perez frisked § 87(2)(b) and PO Olive allegedly frisked § 87(2)(b) (**Allegations D-E: Abuse of Authority**, § 87(2)(g)). PO Perez searched § 87(2)(b)'s vehicle and removed the pill bottle from the glove compartment (**Allegation F: Abuse of Authority**, § 87(2)(g)).

Sgt. Joshua and Police Officers Jose Sanchez, David Ramirez, Christopher Cotto, and Rafael Santos, all of the 48th Precinct, arrived on scene. While § 87(2)(b) was in the backseat of PO Perez's police vehicle, PO Ramirez allegedly removed § 87(2)(b)'s cellphone from his vehicle and allegedly searched the contents of the cellphone (**Allegations G-H: Abuse of Authority**, § 87(2)(g)). PO Ramirez allegedly said to § 87(2)(b) "So you're from Wakanda, right? Wakanda forever" (**Allegation I: Offensive Language**, § 87(2)(g)). PO Ramirez allegedly told § 87(2)(b) "You smell good. If these pills are what we think it is, make sure you have some spray to spray your butt cheek, because you're going to be sitting down for a long time" (**Allegation J: Discourtesy**, § 87(2)(g)). PO Ramirez also allegedly took a photograph of § 87(2)(b) (**Allegation K: Abuse of Authority**, § 87(2)(g)).

At a later point during the incident, an unidentified officer in a van yelled, "Wakanda!" within earshot of § 87(2)(b) (**Allegation L: Offensive Language**, § 87(2)(g)).

§ 87(4-b), § 87(2)(g)

PO Olive ultimately issued § 87(2)(b) a summons for having an object hanging from his rearview mirror which obstructed his view through the windshield (BR16).

The investigation obtained BWC footage from PO Perez (five clips), PO Olive (five clips), and Sgt. Joshua (one clip) (BR 01-11).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Steven Perez questioned § 87(2)(b)

It is undisputed that, during the vehicle stop, § 87(2)(b) unlocked and opened his glove compartment to retrieve paperwork, and that PO Perez saw an unlabeled pill bottle in § 87(2)(b)'s glove compartment. It is further undisputed that PO Perez asked § 87(2)(b) "What are those pills over there?"

In his CCRB interview, § 87(2)(b) recounted that he opened the glove compartment of his vehicle to retrieve his registration (BR12). PO Perez asked § 87(2)(b) "What's in the bottle?" In his interview and during a later phone statement (BR21), § 87(2)(b) described the bottle as a CVS-branded prescription pill bottle with a cap which contained several white Tylenol pills. He confirmed that he had ripped off the label on the bottle prior to the incident. § 87(2)(b) responded to PO Perez's question by saying that he did not know what was in the bottle, and that the pills were for something he had a long time ago. § 87(2)(b) also told PO Perez that he did not smoke or use drugs. At this point, PO Perez asked § 87(2)(b) to exit the vehicle.

PO Perez's BWC footage confirms that the orange prescription pill bottle became visible when § 87(2)(b) opened his glove compartment (BR22). PO Perez asked for § 87(2)(b)'s license, registration, and insurance, and asked, "What are those pills over there?" § 87(2)(b) looked at PO Perez, shut and locked the glove compartment, and did not respond verbally. PO Perez said, "I just asked you a question." § 87(2)(b) told PO Perez that he did not have to speak to him, and PO Perez asked for § 87(2)(b)'s license, registration, and insurance again, before commenting, "The pill bottle didn't even have a name on it. It's scratched off." § 87(2)(b) said, "Mind your own business," at which point PO Perez began ordering § 87(2)(b) to exit the vehicle.

PO Perez's testimony was consistent with his BWC footage, in that he recounted seeing the pill bottle and questioning § 87(2)(b) about its contents (BR13). PO Perez noted that he was able to see during the incident that the bottle contained several round white pills. PO Olive similarly recounted that he saw the pill bottle in the glove compartment from his vantage point at the front passenger window, and he recalled seeing round white pills inside (BR14).

At his CCRB interview, PO Perez stated that a pill bottle with its label ripped off is a violation, because the pills in the bottle could be any type of controlled substance. He stated that there is a Penal Law charge for an individual obtaining pills which do not belong to him. PO Perez did not name the statute to which he referred.

Patrol Guide Procedure 212-11 states that an officer may ask a civilian pointed or accusatory questions when the officer has a founded suspicion that criminal activity is afoot. Founded suspicion arises when there is some present indication of criminality based on observable conduct, such that the officer has sufficient information to begin to suspect a civilian of criminal conduct (BR39).

Under New York State Public Health Law §3345, it is unlawful for an ultimate user of controlled substances to possess such substance outside of the original container in which it was dispensed (BR15).

§ 87(2)(g)

Allegation (B) Force: Police Officer Steven Perez used physical force against § 87(2)(b)

Allegation (C) Force: Police Officer Andrew Olive used physical force against § 87(2)(b)

It is undisputed that PO Perez asked § 87(2)(b) multiple times for his driver's license and other paperwork, and that § 87(2)(b) did not comply with the requests. It is also undisputed that PO Perez instructed § 87(2)(b) to exit the vehicle multiple times, and that § 87(2)(b) did not comply with the instructions. It is further undisputed that the officers grabbed § 87(2)(b) and pulled him out of the vehicle to a standing position. As previously noted, the officers stopped § 87(2)(b)'s vehicle because he had an object hanging from his rearview mirror, and PO Olive issued a summons for that offense.

At his CCRB interview, § 87(2)(b) admitted that PO Perez requested his license and paperwork twice, and that § 87(2)(b) refused to provide the documentation until he spoke to a supervisor. He also admitted that PO Perez ordered him twice to exit the vehicle, and that he said he would only exit the vehicle once he could begin filming with his cellphone. At that point, PO Olive came to the driver's side, PO Perez grabbed § 87(2)(b)'s hands, and PO Olive removed his seatbelt. § 87(2)(b)'s phone fell to the floor of the vehicle. The officers then pulled § 87(2)(b) out of the vehicle.

PO Perez's BWC footage shows that he requested § 87(2)(b)'s license, registration, and insurance at least twice before beginning to order § 87(2)(b) to exit the vehicle (BR22). PO Perez then instructed § 87(2)(b) to exit the vehicle at least ten times before he and PO Olive removed § 87(2)(b) from the driver's seat and handcuffed him.

PO Perez confirmed that he removed § 87(2)(b) from the vehicle because § 87(2)(b) failed to provide identifying documentation and did not comply with his repeated instructions to exit the vehicle. PO Olive added that he saw § 87(2)(b) put his keys back into the ignition during his argument with PO Perez, and that he felt it necessary to remove § 87(2)(b) from the vehicle to prevent him from driving away. PO Perez and PO Olive prepared TRI reports in which they documented that they used handcuffs and "forcibly restrained" § 87(2)(b) and that § 87(2)(b) later went to the hospital after complaining of wrist pain due to the handcuffs re aggravating a prior injury (BR19).

Patrol Guide Procedure 209-09 directs an officer to request a motorist's driver's license and other vehicle paperwork when the officer intends to issue a summons for a traffic violation. Officers are directed to remove a motorist to the command if the motorist's identity is in doubt (BR18). NYPD Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to place an individual in custody. The level of force must be reasonable under the circumstances and not excessive (BR17).

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Steven Perez frisked § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Andrew Olive frisked § 87(2)(b)

It is undisputed that PO Perez frisked § 87(2)(b) after handcuffing him and prior to lodging him in the rear of the officers' vehicle.

At his CCRB interview, § 87(2)(b) alleged that both PO Perez and PO Olive frisked him after handcuffing him and before lodging him in their vehicle.

PO Olive denied that he frisked § 87(2)(b). PO Perez admitted that he frisked § 87(2)(b) after handcuffing him, and said that he did so because the officers planned to lodge § 87(2)(b) in their vehicle. PO Perez did not intend to arrest § 87(2)(b) at this point, but he intended to issue him a summons and did not want to leave him in his own vehicle while the officers attempted to identify him and to prepare a summons.

PO Perez's BWC footage shows that, at the very least, he frisked § 87(2)(b)'s legs after § 87(2)(b) was handcuffed (BR32). It also shows that PO Perez told § 87(2)(b) that he was under arrest. PO Perez's footage shows that PO Olive stood to § 87(2)(b)'s left during the frisk and may have been holding onto him, but the footage does not show whether PO Olive frisked § 87(2)(b). Similarly, PO Olive's BWC footage does not show whether he frisked § 87(2)(b) (BR33).

Based upon the available evidence, the investigation determined that PO Perez frisked § 87(2)(b) but that PO Olive did not do so. As previously noted, § 87(2)(b) refused to provide his driver's license and other documentation despite being ordered to do so multiple times.

Patrol Guide Procedure 209-09 directs an officer to request a motorist's driver's license and other vehicle paperwork when the officer intends to issue a summons for a traffic violation. Officers are directed to remove a motorist to the command if the motorist's identity is in doubt (BR18). Patrol Guide Procedure 208-03 mandates that, once an arrestee has been handcuffed, officers must immediately field search/frisk the arrestee (BR20).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Steven Perez searched the vehicle in which § 87(2)(b) was an occupant.

As previously noted, it is undisputed that § 87(2)(b) refused to answer PO Perez's questions about the pill bottle, told him to mind his business, and shut and locked the glove compartment in response to being questioned. It is undisputed that PO Perez entered the glove compartment of the vehicle and retrieved the pill bottle.

§ 87(2)(b) recounted that, while he was seated in the backseat of PO Perez's and PO Olive's vehicle, he saw PO Perez and PO Olive enter his vehicle. He recounted seeing PO Perez search the door pockets of the driver's side door, the backseat, and the glove compartment. § 87(2)(b) did not articulate or further describe the manner in which PO Perez searched the door pockets, glove compartment, and backseat. § 87(2)(b) did not describe how PO Olive searched the vehicle, and said that he did not know what PO Olive was doing in the vehicle. § 87(2)(b) recounted that the

officers retrieved the pill bottle from the glove compartment, but he did not know specifically which officer retrieved it.

PO Perez's BWC footage shows that he first approached the open driver's door and briefly picked up and examined the paperwork that § 87(2)(b) left on the driver's seat (BR 34). It is not clear from the footage what actions, if any, PO Perez took with respect to the door pocket on the open driver's door, but it does not appear that he ever retrieved any items from the pocket. The footage shows that PO Perez did not search the backseat. After retrieving and examining the paperwork from the driver's seat, PO Perez walked to the front passenger door and opened it. He used § 87(2)(b) keys to unlock the glove compartment, and he retrieved the pill bottle. PO Perez did not search any other areas in the vehicle. The footage also shows that PO Olive did not search any part of the vehicle.

PO Perez confirmed that he retrieved the pill bottle from the glove compartment. As previously noted, PO Perez stated at his CCRB interview that a pill bottle with its label ripped off is a violation, because the pills in the bottle could be any type of controlled substance. He also noted that it is common for people to share pills. He stated that there is a Penal Law charge for an individual obtaining pills which do not belong to him, but he did not name the statute to which he referred. With regard to the driver's door pocket, PO Perez said he merely looked at it and saw that it did not contain any items.

PO Perez examined the markings on the pills and searched them on "Pill Finder," a website which identifies pills based upon their markings. He discovered that the pills were not a controlled substance.

§ 87(2)(g)

Pursuant to the automobile exception to the warrant requirement, a warrantless search of a vehicle is permitted when the police have probable cause to believe the vehicle contains contraband, a weapon, or evidence of a crime. People v. Vargas, 89 A.D.3d 771 (2nd Dept. 2011).

In People v. Smalls, the court addressed an incident in which an officer reached into a stopped vehicle and seized a pill bottle. In that case, experienced narcotics officers at a drug-prone intersection saw two men in an illegally parked car make movements indicative of their having transferred something between one another. The driver then closed a clear plastic bag with his mouth, exited the car while holding the bag, opened the hood and reached into the engine area, and returned to the vehicle without the bag. The court found that the officers' observations gave them reasonable suspicion that the men had engaged in criminal activity, most likely a drug transaction. Upon approaching the vehicle, an officer saw a large pill bottle on the passenger's lap, and the officer reached into the vehicle and seized the bottle after the passenger tried to hide it. The court found that, after seeing the passenger try to hide the bottle, the officer had probable cause to believe that the vehicle contained evidence of an illicit drug transaction involving prescription medication. The court's finding that the officer had probable cause was based upon the totality of the officer's observations, and not merely upon the passenger's "display of consciousness of guilt" in trying to hide the pill bottle. People v. Smalls, 111 A.D.3d 582 (1st Dept. 2013) (BR35).

Under New York State Public Health Law §3345, it is unlawful for an ultimate user of controlled substances to possess such substance outside of the original container in which it was dispensed (BR15).

§ 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer David Ramirez searched § 87(2)(b)'s vehicle.

Allegation (H) Abuse of Authority: Police Officer David Ramirez searched § 87(2)(b)'s recording device.

Allegation (I) Offensive Language: Police Officer David Ramirez made remarks to § 87(2)(b) based upon race.

Allegation (J) Discourtesy: Police Officer David Ramirez spoke discourteously to § 87(2)(b)

Allegation (K) Abuse of Authority: Police Officer David Ramirez took a photograph of § 87(2)(b)

§ 87(2)(b) recounted that after PO Perez removed the pill bottle from his vehicle, two additional officers arrived on scene. § 87(2)(b) was still seated in the backseat of PO Perez and PO Olive's vehicle. § 87(2)(b) described one of the two officers as noticeably shorter than the other officers. He described the remaining officer as a light-skinned Hispanic man in his 30s who was approximately 5'11" tall, had a fit build, was not wearing a hat, and who could be heard speaking in Spanish to other officers. As will be explained in further detail below, the investigation identified the noticeably shorter officer as PO Cotto and the officer who was not wearing a hat as PO Ramirez.

§ 87(2)(b) recounted that, from his position in the backseat of the police vehicle, he saw PO Ramirez enter § 87(2)(b)'s vehicle and remove § 87(2)(b)'s cellphone, which had fallen to the floor of the vehicle when PO Perez and PO Olive forcibly removed § 87(2)(b)'s phone was not locked. § 87(2)(b) saw PO Ramirez touching the screen of his phone with his hands. PO Ramirez stood beside the police vehicle and asked § 87(2)(b) for his address. § 87(2)(b) told PO Ramirez that he was not going to speak to him, and reiterated that he did not consent to any searches of his vehicle or phone. PO Ramirez later told § 87(2)(b) "Ok, now I know where you live. So you're from Wakanda, right? Wakanda forever," at which point PO Ramirez beat his chest.

§ 87(2)(b) explained during his interview that he was working as § 87(2)(b) at the time, and that § 87(2)(b) was open on his phone. His profile on the app had a section with an icon of a house, beside which were the words, "From: Wakanda Forever" (BR36). § 87(2)(b) had entered the phrase "Wakanda Forever" in reference to the Black Panther superhero film, in which the titular character comes from an African nation called Wakanda. The app also notes that § 87(2)(b) speaks English, French, and "Afrikan." During his CCRB interview, § 87(2)(b) noted that PO

Ramirez's comment about Wakanda must have resulted from PO Ramirez viewing § 87(2)(b) on § 87(2)(b)'s phone. § 87(2)(b) characterized PO Ramirez's remark and chest-beating as racist. § 87(2)(b) further recounted that PO Ramirez told him, "You smell good. If these pills are what we think it is, make sure you have some spray to spray your butt cheek, because you're going to be sitting down for a long time." PO Ramirez did not make this comment in response to anything § 87(2)(b) said, and § 87(2)(b) did not recount there being any further context to explain PO Ramirez's remark. § 87(2)(b) felt PO Ramirez was making fun of him. § 87(2)(b) further recounted that PO Ramirez photographed him as he sat inside the vehicle, and specified that PO Ramirez used a device other than § 87(2)(b)'s cellphone to take the photograph. § 87(2)(b) did not provide any further description of the manner in which PO Ramirez photographed him, or why he concluded that PO Ramirez did so.

The BWC footage shows that PO Ramirez, PO Santos, and PO Cotto arrived together in a van, after PO Perez and PO Olive had placed § 87(2)(b) in the backseat of their vehicle. Based upon the footage, the investigation determined that PO Ramirez was the subject officer. PO Cotto is only 5'1" tall and was noticeably shorter than the other officers on scene, so he could not be the subject officer. PO Santos was wearing a hat while PO Ramirez's head was bare. In CCRB case #201809895, the CCRB confirmed that PO Ramirez speaks Spanish. Most significantly, the footage shows that, at one point, PO Ramirez obtained § 87(2)(b)'s keys, entered § 87(2)(b)'s vehicle, and drove it forward a few feet to allow another civilian to pull out of a nearby parking space. The footage does not appear to show any other officer entering § 87(2)(b)'s vehicle after the initial interaction with PO Perez and PO Olive. Based upon the above information, the investigation concluded that PO Ramirez was the subject officer.

However, the BWC footage does not provide a complete, unbroken record of the incident, as PO Perez and PO Olive turned their cameras off and on throughout. The investigation did not obtain any BWC footage from PO Ramirez, PO Cotto, or PO Santos. The BWC footage does not show PO Ramirez making any of the alleged statements, and indeed does not show him appearing to speak to § 87(2)(b) at all. The footage also does not appear to show him holding § 87(2)(b)'s cellphone or photographing § 87(2)(b). As will be described in the section regarding Allegation L, the BWC footage showed that an officer in PO Ramirez, PO Santos, and PO Cotto's van later yelled "Wakanda!" while driving past the scene, but the investigation could not identify the officer who yelled.

PO Ramirez confirmed that he briefly entered § 87(2)(b)'s vehicle to move it, but he denied that he retrieved § 87(2)(b)'s phone from his vehicle, denied that he examined its contents, denied photographing § 87(2)(b), denied making the alleged statements, and denied that any officer discussed the Black Panther film during the incident (BR 24). PO Perez, PO Olive, PO Sanchez, Sgt. Joshua, PO Cotto, and PO Santos all denied that PO Ramirez, or any officer, took any of the alleged actions or made any of the alleged statements (BR 13-14, 23, 25-27).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (L) Offensive Language: An officer made remarks to § 87(2)(b) based upon race.

§ 87(2)(b) did not allege that any officer used the word “Wakanda” or made reference to the Black Panther film at any point other than during his conversation with PO Ramirez. However, as previously mentioned, PO Perez and PO Olive’s BWC footage shows that an officer shouted “Wakanda!” from inside PO Ramirez, PO Santos, and PO Cotto’s marked van (BR37-38).

The BWC footage shows that Sgt. Joshua eventually directed the officers to remove § 87(2)(b)’s handcuffs and to return him to his personal vehicle while they wrote him a summons. § 87(2)(b) complained of pain to his wrist and requested an ambulance, and Sgt. Joshua directed PO Perez and PO Olive to request an ambulance and to wait with § 87(2)(b) for it to arrive. Sgt. Joshua, PO Sanchez, PO Ramirez, PO Santos, and PO Cotto then left the scene. Some time later, a marked van drove past the scene and stopped briefly across the street from § 87(2)(b)’s vehicle. PO Perez and PO Olive were standing out in the street near § 87(2)(b)’s vehicle at the time. The driver’s window was at least partially lowered, but the driver’s face is not visible in the footage. The van remained stopped for about 20 seconds. During that time, someone in the van remarked, “You’re still here,” and PO Olive called out to the van that they were waiting for an ambulance. PO Olive pointed to the van and then to § 87(2)(b)’s vehicle, and a voice in the van said something brief and unintelligible. Once the van began to drive away, a male voice apparently emanating from the van shouted, “Wakanda!”

PO Olive and PO Santos both confirmed that the van in the BWC footage contained PO Ramirez, PO Santos, and PO Cotto. PO Olive denied knowing which officer made the remark or why the remark was made. PO Santos did not recognize the voice in the BWC footage, and he did not independently recall an officer saying “Wakanda” from inside the van. He guessed that the voice might have been that of PO Ramirez, as PO Ramirez was the operator at the time. PO Cotto could not recall if he and his partners drove past the scene, he did not know if the van in the BWC footage was his van, and he also could not identify the voice. PO Ramirez recalled that he and his partners drove past the scene, but he denied that they spoke to anyone. He was unsure if the van seen in the BWC footage was his van, and he denied knowing which officer make the remark. Although he was not present during the incident when the remark was made, Sgt. Joseph viewed the BWC footage at his interview. He also did not recognize the voice.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 29).
- PO Perez has been a member of the NYPD for two years and has been a subject in one complaint with two allegations, neither of which was substantiated. § 87(2)(g)
- PO Olive has been a member of the NYPD for two years and has been a subject in two CCRB complaints and three allegations, none of which was substantiated. § 87(2)(g)
- PO Ramirez has been a member of the NYPD for two years and has been a subject in eight complaints and 22 allegations with no substantiated allegations. 21 of the allegations are in cases which are still under investigation:
 - #201809895 involves allegations of physical force, vehicle search, discourtesy, sexual misconduct, and refusal to provide name and shield number.
 - #201900868 involves an allegation of discourtesy.
 - #201901103 involves allegations of threat of force, discourtesy, and refusal to provide name and shield number.
 - #201901824 involves allegations of threat of arrest, threat of force, and discourtesy.
 - #201902570 involved a vehicle stop allegation.
 - #201904950 involved a sexual misconduct allegation.
 - #201906210 involved allegations of threat of arrest, threat to notify ACS, discourtesy, and threat to remove to hospital.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 31, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR 30).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 31).

Squad No.: 5

Investigator: _____

	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date